

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BETTY J. TAYLOR EL,

Plaintiff,

Case No. 14-12365

v.

Paul D. Borman
United States District Court

U.S. GOVERNMENT, ET AL.,

Defendants.

ORDER DENYING PLAINTIFF'S "OBJECTIONS TO THE ORDER DENYING MY
APPLICATION TO PROCEED WITHOUT REPAYING FEES OR COSTS" (DKT. NO. 5)
AND ALLOWING PLAINTIFF UNTIL JULY 22, 2014 TO FILE A CONFORMING
APPLICATION

Before the Court is Plaintiff's "Objections to the Order Denying My Application to Proceed Without Repaying [sic] Fees or Costs". (Dkt. No. 5). On June 19, 2014, the Court entered an Order denying without prejudice Plaintiff's Application to Proceed Without Prepaying Fees or Costs. (Dkt. No. 4). The Court found that Plaintiff's affidavit was insufficient to allow the Court to determine whether she should be permitted to proceed without prepayment of fees. The Order specifically noted that Plaintiff's answers in her affidavit were non-responsive and generally consisted of a circle with a line through its middle. In the June 19, 2014 Order the Court advised Plaintiff she could file a conforming Application to Proceed Without Prepayment of Fees and that failure to file a responsive Application by July 7, 2014 would result in the dismissal of this action.

Plaintiff has not filed a conforming Application with responsive answers. Rather, on July 1, 2014, Plaintiff filed her Objections to the Court's Order. (Dkt. No. 5). Plaintiff asserts in her Objections that "[t]here have been cases filed in the United States District in which the exact

same application was filed no. 14-12123 and case no. 2:14-cv-11031 because there is no lawful money pursuant to *Crandall v. State of Nevada*, and they were granted.” (Dkt. No. 5, at 1). Plaintiff then argues that she does not understand why these other applications were granted and hers was denied by this Court. (*Id.*). Plaintiff also argues that there should be some conformity as to this process. (*Id.*).

To the extent Plaintiff relies upon (her own previously filed case) *Taylor v. Credit Acceptance Corporation, et al.*, No. 14-11031, (E.D. Mich. filed March 10, 2014) such reliance is misplaced.¹ Although in *Taylor*, Plaintiff did submit an Application to Proceed Without Prepaying Fees or Costs that was approved, that application posed different questions. (*See* Dkt. No. 5, Ex. A). Further, it appears that court found Plaintiff’s responses to those different questions to be responsive. (*Id.*). In the affidavit before this Court, Plaintiff’s responses fail to tick the appropriate boxes or respond with words where required. Therefore, this Court finds Plaintiff’s Application to be non-responsive and insufficient to allow the Court to determine whether Plaintiff’s request to proceed without prepayment of fees should be granted.

¹ The Court notes that the other case upon which Plaintiff relies is not on point. In *Scott v. Groves, et al.*, No. 14-12123, Dkt. No. 2 (E.D. Mich. filed May 22, 2014), the plaintiff, an inmate, submitted an Application to Proceed Without Prepaying Fees or Costs and answered each question appropriately. Thereafter, that court ordered the plaintiff to file a certified trust account statement in accordance with 28 U.S.C. § 1915(a)(2). *See Scott v. Groves, et al.*, No. 14-12123, Dkt. No. 4, Order to Correct Deficiency (filed June 3, 2014). The plaintiff complied and the application was granted. *Id.*, No. 14-12123, Dkt. No. 6, Order granting Application (filed June 9, 2014). Therefore, the application at issue in *Scott* is not factually analogous whatsoever to Plaintiff’s current Application.

For these reasons, the Court DENIES Plaintiff's Objections but will allow Plaintiff to file a conforming Application on or before July 22, 2014. If such an Application is not received on or before that date, Plaintiff's case will be dismissed without further notice from this Court.

IT IS SO ORDERED.

s/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: July 9, 2014

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on July 9, 2014.

s/Deborah Tofil
Case Manager